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In re Application of :
CHUNG :
Application No.: 10/568,299 : DECISION ON
PCT No.: PCT/KR2004/002044 :
Int. Filing Date: 13 August 2004 : PETITION UNDER
Priority Date: 14 August 2003 :
Attorney Docket No.: 035967-021 : 37 CFR 1.137(b)
For: SKIN RESURFACING DEVICE :

This decision is in response to applicant's submission filed 15 February 2008.

BACKGROUND

On 13 August 2004, applicant filed international application PCT/KR2004/002044 which designated the U.S. and claimed a priority date of 14 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 February 2006.

On 14 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 05 February 2007, a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) was mailed indicating, *inter alia*, that a declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 December 2007, a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) was mailed indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 05 February 2007 within the time period set therein.

On 15 February 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a declaration of the inventor.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted a declaration of the inventor on 15 February 2008.

As to item (2), applicant submitted the petition fee on 15 February 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 15 February 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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